

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 5, 2003

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER *PS*

SUBJECT: CONTRACT BETWEEN THE ALEXANDRIA OFFICE OF HUMAN RIGHTS
AND THE U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
(EEOC)

ISSUE: City Council consideration of a contract for the Office of Human Rights to remain a designated Fair Employment Practices Agency (FEPA) of the U.S. Equal Employment Opportunity Commission (EEOC) and to receive funding in the amount of \$50,600 to investigate and resolve complaints of employment discrimination brought by persons employed within the City of Alexandria.

RECOMMENDATION: That City Council authorize the City Manager to sign the contract with the EEOC for funding in the amount of \$50,600, for the Alexandria Office of Human Rights to continue as a Fair Employment Practices Agency (FEPA).

DISCUSSION: Pursuant to Section 706 of the Civil Rights Act of 1964, as amended, and federal implementing regulations, the Equal Employment Opportunity Commission (EEOC) is offering to award a contract to the Alexandria Office of Human Rights to investigate and resolve 99 complaints of discrimination that originate within the City of Alexandria and are covered under both the City's Human Rights Code and Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act (ADEA), and the Americans with Disabilities Act (ADA). The contract covers the performance period corresponding to the federal fiscal year 2003 (October 1, 2002 through September 30, 2003) and is renewable for two additional federal fiscal years, FY 2004 and FY 2005. The contract can be modified based on performance. Due to budget discussions regarding the EEOC's annual appropriation, and because the EEOC was operating under a continuing resolution well into federal FY 2003, this contract was just signed by the EEOC contracting officer on May 22, 2003.

For the past 20 years the Office of Human Rights has participated in the FEPA program, and has had a work-sharing agreement with the Washington Field Office of the EEOC. This program enables local human rights agencies to receive EEOC funds to offset the cost of investigating complaints that are covered under both federal laws and the local human rights ordinance; that is, complaints against employers in the City, with fifteen or more employees, that allege discrimination based on race, color, religion, sex, national origin, age, or disability. Locally, the counties of Arlington, Fairfax, Prince William, Montgomery, and Prince George's, as well as the District of Columbia, each have human rights offices that function much like the Alexandria Office of Human Rights. All of these jurisdictions participate in the FEPA program.

Section 706 of the Civil Rights Act of 1964, as amended, cites the need for local governments to enact substantially equivalent ordinances that prohibit discrimination within their own jurisdictions. The FEPA program was created to assist local jurisdictions in resolving complaints of employment discrimination at the local level, because the EEOC does not have the resources to handle the large number of employment discrimination cases that are filed nationwide. The FEPA program requires the Alexandria Office of Human Rights to investigate the cases that originate in Alexandria and reimburses the office at the rate of \$500 per accepted charge resolution. Complaints filed in the Alexandria Office of Human Rights must allege discrimination by an employer doing business within the City limits.

The Office of Human Rights estimates that it will have received approximately 100 formal complaints during City FY 2003 that fall under the FEPA Program. The EEOC contract will provide the City with \$500 per case for investigating and closing 99 complaints or charges alleging employment discrimination. The Office also expects to have received approximately 1000 informal complaints and several requests for technical assistance. The requests for assistance are from individuals or businesses who ask the Office to intercede in resolving potential discrimination complaints, or to provide guidance, workshops or seminars on rights and responsibilities in the workplace.

The Office of Human Rights currently employs two full-time staff investigators and one over-hire contract investigator. Each investigator is expected to close employment cases at the rate of three per month. These investigators also work on all types of discrimination cases (i.e. housing, public accommodation) in addition to those covered under the EEOC contract. They also handle the intake of new complaints and assist with community outreach and training. The Office closed 108 cases in City FY 2002, and received a total of 79 new cases. At the end of City FY 2002, there were 75 pending cases. To date, two-thirds of the way through the EEOC contract period, the Office has closed or resolved, and submitted for EEOC review, 65 cases or charges.

All of the employment discrimination cases filed with the City of Alexandria Human Rights Office and covered by the EEOC contract are filed locally within the Human Rights Office, not

with the EEOC Washington Field Office downtown, but are deemed dual-filed. These cases would still fall within the jurisdiction of the Alexandria Human Rights Code even if there were no EEOC contract, and the Human Rights Office would remain responsible for investigating those cases solely under the Code, regardless of any concurrent federal statutes that exist. The EEOC contract gives the Office the additional funding necessary to carry out the investigation of these local cases. Without the EEOC-funded investigators, the Office would have a significantly higher inventory of pending cases at the end of each year because the same number of complaints would be filed with the Human Rights Office, and there would be only two investigators to handle them instead of three.

The EEOC contract will provide \$49,500 for the personnel and non-personnel costs directly associated with investigating 99 employment discrimination complaints during the period from October 1, 2002 through September 30, 2003 at \$500 per case. An additional \$1,100 has also been allocated for travel and costs related to attendance at EEOC-sponsored training for State and local program directors, for a total contract amount of \$50,600.

FISCAL IMPACT: Although there is no requirement for the City to provide a cash match or an in-kind match for these funds, the City will be once again responsible for the normal administrative costs associated with this contract. These costs include financial and reporting oversight provided by the Office of Human Rights, as well as by the Office of Management and Budget and by the Finance Department. It should be noted that, because the third investigator is currently an over-hire position, there are no monies available in the City budget after FY 2004 to continue that position once the contract funds are expended. It is hoped that the contract will be renewed for two additional years and that the grant funds, which carry over, will cover most of the costs of a third full-time investigator.

ATTACHMENTS: None. The contract may be reviewed in the Office of Management and Budget, Room 3600, City Hall, during normal office hours.

STAFF:

Jean Kelleher Niebauer, Director, Office of Human Rights

Michele Evans, Assistant City Manager

Mark Jinks, Assistant City Manager